

Remarks

The Official Office Action of March 23, 2005 and the references therein made of record have been carefully considered.

The Examiner has rejected claims 1-4 and 9 over Howard in view of Lloyd and Walton. It may be conceded that Howard and Lloyd are properly characterized and combined by the Examiner. However, the Examiner goes further and states:

Howard in view of Lloyd do not teach a c-shaped support including a pair of arms having spaced apart ends, the support being sized to receive the small bottom end of the bottle and resilient to expand and thereby captivate an intermediate section of the bottle. Walton teaches a c-shaped support including a pair of arms having spaced apart ends, the support being sized to receive the small bottom end of the bottle and resilient to expand and thereby captivate an intermediate section of the bottle (See Column 2, lines 42-49, Figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the support of Howard in view of Lloyd such that it is c-shaped to provide a reminder device which can be mounted on a medicine container as taught by Walton.

Applicant contests this conclusion for the following reasons. This is, of course, a conclusion. On what it is based? There is no suggestion that Howard or the hypothetical Howard/Lloyd devices are defective in any way.

Further, there is no suggestion in Howard, Lloyd or Walton to position the switch so it is manipulated by insertion of the bottle into a C-shaped support, mount the necessary circuitry on the C-shaped support and the like. Where does the Examiner find such a

suggestion to modify the hypothetical construction of Howard and Lloyd?

In the event the Examiner continues a rejection based on Howard, Lloyd and Walton, it is respectfully requested that the Examiner articulate, with particularity, why it would be obvious to mount the hypothetical construction of Howard and Lloyd in a C-shaped support, such as shown by Walton. It is accordingly submitted that the only suggestion for such a combination of references is found in applicant's specification.

Applicant suggests that if one were to place Howard, Lloyd and Walton in front of a knowledgeable person who was unaware of applicant's disclosure and ask what do these references suggest, one would not get applicant's device as an answer. It follows that independent claim 1 and its dependent claims are allowable over the art of record.

Claims 2, 3 and 10-12 recite details of the C-shaped support in increasingly greater detail. For example, claim 2 recites that the C-shaped support provides a cavity having the circuitry therein. So far as we can tell, Walton's C-shaped support is not hollow. Why does the Examiner take the rather peculiar order of constructing the hypothetical Howard-Lloyd device and then make it the form of Walton's device? The short answer is that no other order of assembly results in a device that approaches the limitations of the claims.

Claim 3 adds the limitation that the C-shaped support is made of a pair of hollow C-shaped halves joined together to provide the cavity between the C-shaped halves. No one shows such a construction. It is submitted that claims 2 and 3 are allowable over the art of record, independently of claim 1.

Claim 10 recites that the C-shaped halves provide, inside the cavity, registration devices aligning one half with the other half. Claim 11 adds that the circuitry is mounted on a circuit board having a switch button thereon, the C-shaped support providing an opening through which the switch button extends. Claim 12 add that the C-shaped halves provide, inside the cavity, at least one location device positioning the circuit board in a position where the switch button extends through the opening. No one shows such constructions. It is accordingly submitted that claims 10-13 are allowable over the art of record, independently of claims 1-9.

It is submitted this application is in condition for allowance and early steps toward that end are earnestly solicited.

Respectfully submitted,



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